IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1852 OF 2005

Ezra Victor Aboody ...Petitioner
Vs.
The State of Maharashtra & Ors. ...Respondents

None for the Petitioner
Mrs. A.S.Pai, A.P.P for the State

CORAM: SHRI J.N.PATEL &
SMT. ROSHAN DALVI, JJ.
DATED: 31ST AUGUST, 2006

P.C.

1. The Petitioner has approached this Court seeking direction to transfer the investigation of M.E.C.R. No.3 of 2004 registered with the Cuffe Parade Police Station to the G.B.C.B., C.I.D. Mumbai and direct the investigating agency to take cognizance of the offences and arrest the accused and investigate and submit the charge-sheet before the Metropolitan Magistrate Court in C.C. No.12/Misc/2004.

2. The Petitioner has filed several private complaint cases in the Court of Metropolitan Magistrate and in all the cases the learned Magistrate has directed investigation under Section 156(3) of the Cr.P.C. But inspite of that Police are

not investigating into the matter and that is why the Petitioner has approached this Court.

3. The learned A.P.P on seeking instructions from P.S.I. Mr. M.G.Ghadi from Cuffe Parade Police Station states that I.O has filed a final report under Section 169 r.w. 173 of Cr.P.C to treat the matter as 'C' summary of which due notice had given to the complainant. The Petitioner/Complainant can very well prosecute his remedy before the Magistrate.

4. Petition is dismissed.

(SMT.ROSHAN DALVI, J.) (SHRI. J.N. PATEL, J.)